

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

JOHNNY THOMAS ORTIZ II; JIMMIE
GREGORY ROGERS JR.; and WELDON
MURPHY

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; ALAN HIRSCH, in his official
capacity as Chair of the North Carolina State Board
of Elections; JEFF CARMON III, in his official
capacity as member of the North Carolina State
Board of Elections; STACY EGGERS IV, in his
official capacity as member of the North Carolina
State Board of Elections; KEVIN N. LEWIS, in his
official capacity as member of the North Carolina
State Board of Elections; SIOBHAN O'DUFFY
MILLEN, in her official capacity as member of the
north Carolina State Board of Elections; and
KAREN BRINSON BELL, in her official capacity
as Executive Director of the North Carolina State
Board of Elections,

Defendants.

Civil Action No. 5:24-cv-00420-BO

[PROPOSED] ORDER

On July 29, 2024, the Republican National Committee (“RNC”) and the North Carolina Republican Party (“NCGOP”) (collectively the “Republican Amici”) moved this Court for leave to file a memorandum as amici curiae in support of Plaintiffs’ Motion for Preliminary Injunction. The Republican Amici represent in their motion that Plaintiffs and Defendants consent.

Because no Federal Rule of Civil Procedure applies to motions for leave to appear as amicus curiae in federal district courts, district courts have discretion whether to grant or deny such leave. *See Am. Humanist Ass 'n v. Md.-Nat 'l Cap. Park and Plan. Comm 'n*, 303 F.R.D. 266, 2694891-5956-6035 (D. Md. 2014); *see also Alexander v. Hall*, 64 F.R.D. 152, 155 (D.S.C. 1974)

("[I]t is solely within the discretion of the court to determine the fact, extent, and manner of participation by the amicus." (citing *N Secs. Co. v. United States*, 191 U.S. 555 (1903) (italics removed)). And, as one court in this Circuit has noted, trial courts have allowed the aid of amici curiae where they provide helpful analysis of the law, they have a special interest in the subject matter of the suit, or existing counsel needs assistance. *Bryant v. Better Bus. Bureau of Greater Md., Inc.*, 923 F. Supp. 720, 728 (D. Md. 1996). At bottom, the amicus curiae's usefulness to the court is what matters.

Having reviewed the Republican Amici's motion, the attached memorandum in support, and all other relevant materials, the Court concludes that the Republican Amici's interest in the proper interpretation of North Carolina election law would aid the Court. Accordingly, the Court, in the exercise of its discretion, GRANTS the Republican Amici's motion for leave to file a memorandum as amici curiae. The Clerk of Court is DIRECTED to file the amici curiae memorandum filed by the Legislators.

SO ORDERED this _____ day of July, 2024.

TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE